

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

GLEN SCOTT JENKINS,

Plaintiff,

v.

CIVIL ACTION NO. 2:21-cv-00584

KILOLO KIJAKAZI,

Acting Commissioner for the Social Security Administration,

Defendant.

ORDER

Pending before the Court are two motions: Plaintiff's Brief in Support of Judgment on the Pleadings, (ECF No. 6), and Defendant's Brief in Support of Judgment on the Pleadings, (ECF No. 7). By Standing Order entered in this case on November 2, 2021, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). (ECF No. 3.) Magistrate Judge Tinsley filed his PF&R on December 2, 2022, recommending that this Court deny Plaintiff's request to reverse the Commissioner's decision, grant the Commissioner's request to affirm her decision, and dismiss the action from the Court's docket. (ECF No. 8.)

This Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th

Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).


Objections to the PF&R were due on December 19, 2022. (ECF No. 8.) To date, no objections have been filed. This constitutes a waiver of *de novo* review and Petitioner’s right to appeal this Court’s order.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 8). Plaintiff’s request for judgment on the pleadings, (ECF No. 6), is **DENIED**. Further, the Commissioner’s request to affirm her decision, (ECF No. 7), is **GRANTED**, and the decision is **AFFIRMED**. Therefore, this civil action is **DISMISSED**. The Clerk is **DIRECTED** to remove this action from the Court’s active docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: January 3, 2023

A handwritten signature in blue ink, appearing to read 'Th. Johnston', is written over a horizontal line.

THOMAS E. JOHNSTON, CHIEF JUDGE